

Application No.: 10/542,939
Atty. Docket No.: P70697US0

REMARKS

The Office Action mailed January 12, 2007, has been carefully reviewed and by this Amendment, claims 1-3 have been canceled and new claims 4-17 have been added. Claims 4-17 are pending in the application. Claims 4 and 11 are independent.

The Examiner rejected claims 1 and 3 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,110,156 to Mendonca. In addition, the Examiner rejected claim 2 under 35 U.S.C. 103(a), as being unpatentable over Mendonca.

By this Amendment, Applicant has canceled claims 1-3 and presented new claim 4-17 for increased clarity. Accordingly, the rejections are technically moot. However, with respect to new claims 4-17, Applicant provides the following remarks.

As set forth in new claims 4 and 11, the present invention is directed to an ostomy support garment made of a material that provides support to a stoma. The material has a through-passing hole therein that is positioned over and has a perimeter sized to expose the stoma and a surrounding area when the garment is being worn. This is not shown or suggested by the prior art.

In addition, claims 4 and 11 provide that the hole perimeter has a stabilized edge with an element that is configured

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to allow the perimeter of the hole to be increased or decreased so as to enlarge or reduce, respectively, the exposed area surrounding the stoma. Adjoining the hole and splitting the edge thereof is at least one slit that cuts through the material of the garment. This also is not shown or suggested by Mendonca. Finally, the element that is configured to increase or decrease the size of the hole is also configured to close the slit to reduce the perimeter of the hole.

Mendonca discloses a garment in the form of a pair of underpants having a pocket that can be used for holding an ostomy bag. The pocket can be buttoned closed to retain the ostomy bag in the pocket, with the button positioned either on the material of the pocket or on the material of the underlying garment while, in either case, the button hole is then positioned on the opposing piece of material. According to Mendonca, the ostomate places the ostomy bag into the pocket while the tube connecting the bag to the stoma extends out through the pocket opening and then either above or under the waistline of the underpants to reach the particular location of the stoma.

To Applicant's understanding, the Examiner has relied upon the inside of the pocket as being the "hole", with element 40 being the stabilized edge of the hole. The buttons 50 allow the

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size of the hole to be adjusted in that, when fastened, the pocket is smaller than when the button is unfastened and the pocket can fall open to define a larger area by virtue of the pleat 60. Lastly, the Examiner has characterized the opening of the pocket as well as the pleat as being a "slit".

As is clear from new claims 4 and 11, the pocket of Mendonca does not correspond with the hole of the claimed invention. To the contrary, the hole of the present invention passes through the material of the garment and is positioned over and has a *perimeter sized to expose the stoma and a surrounding area* when the garment is being worn. The only hole in Mendonca that may pass through the garment would be the button holes in the event the buttons are in the pocket material. These button holes in no way have a perimeter that is sized to expose the stoma and a surrounding area in the manner claimed.

Furthermore, the invention set forth in claims 4 and 11 includes an element that adjusts the size of the hole to increase or reduce the exposed area surrounding the stoma. This also is not shown by Mendonca. To whatever extent the pocket can be considered a hole, buttoning and unbuttoning the top of the pocket does not expose the stoma and therefore certainly does not adjust the overall area being exposed around the stoma.

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Finally, the hole of the present invention has a stabilized edge that is *split* by a slit that cuts through the material of the garment. In all fairness, the opening to the pocket cannot be considered a "slit" as that term is reasonably interpreted. Even if it were a slit, the pocket opening does not *cut through the material of the garment*. Similarly, the pleat is not a slit, but rather a fold of material overlapped upon itself (see Figure 8). And as with the pocket opening, the pleat does not cut through the material of the garment.

For at least the foregoing reasons, claims 4 and 11 are not anticipated by nor obvious in view of Mendonca. Favorable reconsideration and allowance thereof is requested.

Claims 5-10 and 12-17 are also in condition for allowance as claims properly dependent on an allowable base claim and for the subject matter contained therein. More particularly, the prior art does not teach or suggest a garment with a hole such as that set forth in claims 4 and 11 and further having a plurality of slits with each slit cutting through the garment material and the stabilized edge of the hole, as in claims 7, 8, 14 and 15.

With this amendment and the foregoing remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any questions or comments,

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the Examiner is cordially invited to telephone the undersigned attorney so that the present application can receive an early Notice of Allowance.

Respectfully submitted,

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